

HUBBELL SAYS HOPE OF PROGRESSIVE UNION IS GONE IN ARIZONA

Republican Candidate for United States Senate Declares Party Could Win If United.

THINKS STILL CHANCE FOR SUCCESS IN STATE

Hon. J. L. Hubbell of Apache county, Arizona, candidate for the Republican nomination for United States senator in the state, and sure of the nomination, is in Albuquerque today on private business, and on his way home to Ganado after a tour of southern Arizona, more in the interest of his party harmony than for his candidacy. Mr. Hubbell as the strongest stand-pat Republican in Arizona, is sure of the nomination.

Mr. Hubbell is frankly discouraged over prospects for Republican party harmony in Arizona, and particularly so since he believes, that because of Democratic differences the Republicans could win if united.

"The Progressives won't fuse," said Mr. Hubbell this morning. "The rank and file of the Progressive voters want to unite with the old party and win the long delayed victory in Arizona, but the leaders simply refuse to hear to it. A word from Roosevelt might help this situation but Roosevelt hasn't spoken the word."

"We still have a chance for success in Arizona because of differences in the Democratic party, but we would be practically certain of success if the two factions of the party could be brought together."

BACA ON TRAIL OF SOME COUNTRY DELEGATES

Declared That Some of the Boys Who Were Elected for Andrews Last Week, Have Changed Their Minds.

"We wish that Don Eliego Baca would move down to Cuernavaca. This is the motif of a popular song that is making a great hit in certain of the numerous Republican circles in the imperial county of Bernalillo these days. It may be heard on every street corner where the boys gather to discuss the situation and the outlook for the battle in Friday's Republican convention, and those who do not sing it openly, or whistle it, are conscious that it is humming through their tanks in that annoying repetition which all very popular songs have."

But Don Eliego is not going to Cuernavaca. Nay, nay, Pauline. Climate and scenery hereabouts are to his liking and he is going to stick until the final cow has come home—yes, even until the return of the last goat. On the eve of the general engagement at the county court house day after tomorrow there is considerable skirmishing in the outlying districts by cavalry and motor vehicles. The aeroplane has not yet come into general use, although several of the leading detachments are up in the air. It is rumored that snipers have picked off quite a considerable number of the Andrews delegates and that some have been taken prisoners. Denials also are talked of, although these cannot be definitely confirmed. The censorship while not as rigid as that of Germany, is still effective in confusing the reports.

This force has been made plain. The Baca forces have been on the job and have gained some strength in the line up of delegates. If they have not gained as much strength as they claim, they have claimed their claims so persistently that they have come to believe them. This has given the Baca generals considerable confidence and they seem ready to go into battle confident of victory.

It is also certain that there will be a fairly good fight, and that it will not end with the convention.

SANDOVAL COUNTY SENDS DELEGATES UNINSTRUCTED

Republicans Make No Expression on Republican Candidate; Valencia County Goes Against Eliego Baca.

A Republican county convention was held in the neighboring county of Sandoval at Bernalillo yesterday afternoon and a Republican primary was held in Valencia county to the south. In Valencia county the convention will be held tomorrow and is expected to elect delegates to Santa

RODEY DENIES HE IS FLIRTING WITH PROGRESSIVE LEADERS

Albuquerque Man Declares He Is a Republican All the Time, but an Anti-Boss Republican.

COMPARES POSITION WITH THAT OF HINMAN

Judge Bernard S. Rodey, who returned last night from a business trip to Santa Fe positively stated that this morning the report sent out from the capital to the effect that he was in conference with Progressive party leaders, in connection with that party's congressional nomination.

"I went to Santa Fe on business for a client," said Judge Rodey to The Herald this morning, "and attorneys on the other side happened to be prominent Progressives. If we talked politics it was an entirely incidental way, and if the Progressives of this state are friendly to me, I am glad of it and that it all there is to it."

"I am a Republican, a staunch and loyal Republican and I am not seeking the nomination for congress of an other party than my own. Had my own party nominated me and should the Progressives endorse me, as might be probable, I would be flattered thereat, and it would mean my success at the polls. But any statement that I am 'flirting' with the Progressives for a nomination at their hands is untrue."

"I am a Republican, but I am an anti-gang and anti-machine and anti-boss Republican. Like Hinman in New York, who is a staunch Republican, yet who has the hearty endorsement of Theodore Roosevelt, the great Progressive, I am against gang and machine and boss rule. My position in New Mexico is much like that of Hinman in New York."

It has been strongly intimated to Mr. Rodey that he could have the Progressive nomination for congress should he care to take it. He has indicated, however, that he is a Republican and intends to remain a Republican, although opposed to the men and methods which now control and manage that party in New Mexico.

Fe favorable to if not instructed for W. H. Andrews.

The candidacy of Harry P. Owen of Albuquerque for the nomination for district attorney probably will be decided. This it is declared in Los Lunas, will start a party row in Valencia that will equal the pleasant little eruption now going on in this county. Owen has the endorsement of the bosses and some time ago moved to Los Lunas. Helen has a candidate in M. C. Spicer of that town and Spicer's friends declare that if Owen's nomination is put across by the bosses they may decide to join with Progressives and Democrats and elect a fusion district attorney.

In Sandoval county the delegates to the state convention at Santa Fe are elected and left free to use their own judgment on the congressional and other candidates.

HARVESTER

(Continued from Page Two.)

the year-around business, that could be condemned.

"The real question is whether the combination of the companies was illegal in their beginning or became so with the additions subsequently made."

The court quotes parts of Section 1 and 2 of the Sherman law, and asserts that the statutes must be construed in the light of reason. He then quotes from the decision of the United States supreme court its decision as to the rule of reason in the case of the United States against the American Tobacco company, and continues:

"No weight is attached, therefore, to the means by which the combination was formed, if the combination was within the purview of the statute as created. The fact that this combination took the form of a new corporation is immaterial."

"Was this combination in restraint of trade? It substantially suppressed all competition between the five companies, and the restraint of competition between combining companies is illegal as destruction of competition between them without combining."

"We think it may be laid down as a general rule that if companies could not make a legal contract as to prices, or as to collateral services, they could not legally unite and as the companies named did in effect unite, the sole question is as to whether they could have agreed on prices and what collateral services they would render when their companies were all prosperous and they jointly controlled 86 to 88 per cent of the business in that line in the United States. We think they could not have made such an agreement."

"The International is not only a great manufacturing company but by the America company is a great dealer in agricultural implements in interstate and foreign commerce. Congress has condemned any combination in restraint of either the foreign or interstate trade, and if the International Harvester company was in restraint of either the interstate or foreign trade it would not be lawful to restrain the interstate trade, in order to build up the foreign trade. The International by

suppressing all competition between the five original companies was in restraint of trade as prohibited in the first section of the Sherman law and it tended to monopolize within the meaning of the second section of the same law, and this restraint and this monopoly were the direct and immediate effect of the consolidation, and were not incidental and uncertain in their effect."

"We conclude, that the International Harvester company was from the beginning in violation of the first and second sections of the Sherman law, and that this condition was accentuated by the reorganization of the America company and by the subsequent acquisitions of competing plants, and that all the defendants' subsidiary companies became from time to time parties to the illegal combination, and the defendant companies are combined to monopolize a part of the interstate and foreign trade."

"It will, therefore, be ordered that the entire combination and monopoly be dissolved, that the defendants have ninety days in which to report to the court a plan for the dissolution of the entire unlawful business into at least three substantially equal, separate, distinct and independent corporations with wholly separate owners and stockholders, or in the event this case is appealed and this decree superceded, then within ninety days from the filing of the precedendo or mandate from the supreme court, the defendants shall file such plan, and in case the defendants fail to file such plan within the time limit, the court will entertain an application for the appointment of a receiver for all the properties of the corporate defendants, and jurisdiction is retained to make such additional decrees as may become necessary to secure the final winding up and dissolution of the combination and monopoly complained of and as to costs."

History of Harvester Case.
The suit in which decision was handed down today was filed April 20, 1912, in the federal district court at St. Paul. In its petition the government asked:

That the \$140,000,000 corporation be dissolved on the ground that it was a monopoly in restraint of trade; That injunctions be issued to bar from interstate commerce the products of the International Harvester company or of the International Harvester company of America, its selling agency.

That receivers be appointed to take charge of the property and wind up the business of the defendant, if the court finds such action compatible with public interests.

The following corporations and individuals were mentioned as defendants in the petition:

International Harvester company, International Harvester company of America, International Farm Twine company, Wisconsin Steel company, Wisconsin Lumber company, Illinois Northern railway, Chicago, West Pullman & Southern Railroad company, Cyrus H. McCormick, Charles Deering, James Deering, John J. Glessner, William H. Jones, Harold F. McCormick, Richard F. Howe, Edgar A. Bancroft, William J. Loderbach, George F. Baker, Norman B. Ream, Charles Steele, John A. Chapman, Elbert H. Gary, Thomas D. Jones, John P. Wilson, William L. Saunders and George W. Perkins.

The chief charges by the government against the Harvester company were:

That the company in monopolizing the sale and manufacture of harvesting machinery had advanced prices "to the grave injury of the farmer and the general public."

That the company controls at least 99 per cent of the trade in the United States in harvesters or grain binders, 75 per cent of the mowers, and more than 50 per cent of the binder twines.

That the company had absorbed competing companies while allowing those companies still to advertise as being independent, "thereby misleading, deceiving and defrauding the public and more effectively crippling existing competitors and keeping out new ones."

That the defendants resorted to unfair trade methods by attempting to induce agents to handle only their products.

That it bought up patents to perpetuate the monopoly.

That in organizing the International Harvester company the defendants planned to form a monopoly.

That the company bound retail

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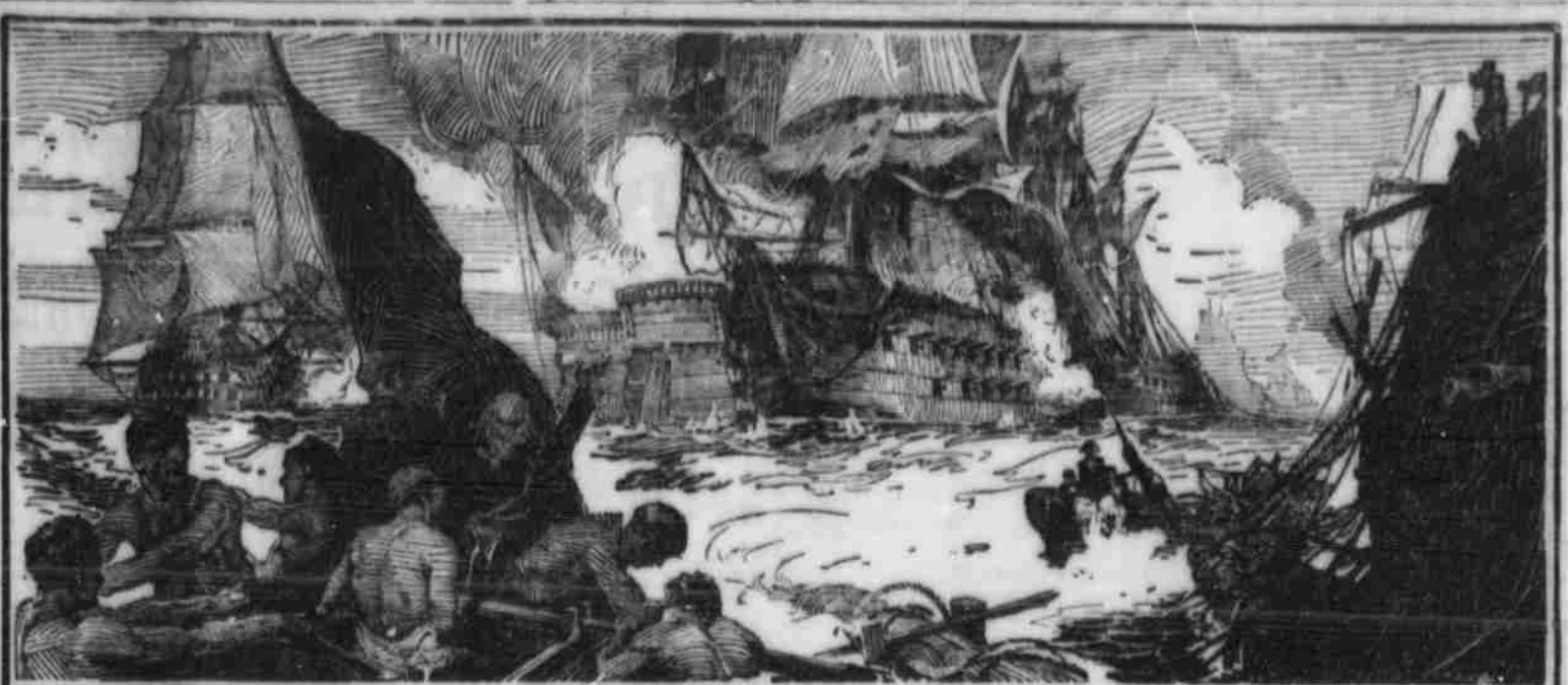
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dealers by contract not to sell the products of other manufacturers.

That the Harvester company received iron, steel and lumber from the Wisconsin Steel company and the Wisconsin Lumber company subsidiaries, which were used to eliminate competition in the iron and steel business.

That the company used railroads

under its control to obtain preference from connecting roads.

The International Harvester company was organized in New Jersey in 1902. Prior to that time, the government declared, there were ten or twelve establishments competing in the manufacture and sale of harvesting implements.

The alleged trust was formed through the combination of the McCormick Harvesting Machine company of Illinois, the Deering company of Illinois, the Plano Manufacturing company of Illinois, Wadsworth & Glessner company of Ohio, and the Milwaukee Harvester company.

The company was incorporated in New Jersey with a capital stock originally of \$130,000,000. The control of the capital stock was placed in the hands of three voting trustees: Cyrus H. McCormick, Charles Deering, and George W. Perkins, who owned stock, trust certificates, and the persons actually owning the stock.

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